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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF	:	Administrative Action
	:	
KAREN F. WRIGHT, LDH	:	FINAL ORDER OF
License No. 22HI00637900	:	DISCIPLINE
	:	
TO PRACTICE DENTAL HYGIENE	:	
IN THE STATE OF NEW JERSEY	:	

The New Jersey State Board of Dentistry has reviewed information regarding Karen F. Wright ("Ms. Wright" or "respondent"), and makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Board issued Ms. Wright a license to practice dental hygiene in New Jersey on July 7, 1994. She has been licensed to practice at all times relevant to these proceedings.

2. On or about June 26, 2014, Ms. Wright was convicted of theft, illegal retention, under N.J.S.A. 2C:20-9, a third degree offense. That conviction arose from her actions, along with those of Arlene Marchese, when, as employees of Dr. Dominic Lembo, a licensed New Jersey dentist, she diverted to herself and her co-worker funds earned by the dental practice, specifically by cashing or depositing insurance checks made out to Dr. Lembo or Belmont Dental (his practice) and using the proceeds for her own and for Ms. Marchese's benefit.

3. Ms. Wright was sentenced to probation for a term of five years. She was ordered to continue gainful employment and to make restitution (jointly and severally with her co-defendant Ms. Marchese) of \$200,000, payable to Dr. Lembo, her employer. At the time of sentencing, respondent and Ms. Marchese had each paid \$20,000, leaving a total of \$160,000 to be paid. Of that sum, \$5,000 was to be paid within thirty days of sentencing and the remainder to be paid in installments of \$1,000 a month.

CONCLUSIONS OF LAW

The above findings of fact provide a basis for disciplinary action in this State pursuant to N.J.S.A. 45:1-21(f) as Ms. Wright has been convicted of a crime of moral turpitude or that relates adversely to an activity regulated by the Board. The actions of this respondent, a licensed dental hygienist, demonstrate a gross departure from the high standards of conduct expected of licensees of the Board. Ms. Wright, over a period of years, violated the position of trust she held as an employee of Dr. Lembo, and arrogated to herself and her co-defendant at least \$200,000 - proceeds of his dental practice. During her sentencing on June 20, 2014, Dr. Lembo spoke of the significant financial and emotional harm he suffered by and through respondent's actions. Respondent's conduct shocks the conscience of the Board and warrants a lengthy suspension. The Board is aware that Ms. Wright is under a court order to make restitution

payments. That she must find employment other than as a dental hygienist during the term of the active suspension of her license a consequence she has brought upon herself.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline (POD) was entered by this Board on January 21, 2015. The POD was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry, unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Wright responded by letter dated February 9, 2015 to seek modification of the Provisional Order, citing hardship that would be caused by an active suspension of her license. In lieu of an active suspension she offered to donate "dental care to those who are less fortunate in the community and a probation period." Upon request for further information to substantiate a claim of hardship, on March 18, 2015, Ms. Wright submitted a letter stating that she owed New Jersey State tax in the amount of \$4,800.00. She also submitted, among other records, tax

returns for 2010-2014, a payment plan of \$25.00 per month for monies owed the IRS for taking early distributions from her retirement accounts, a payment plan of \$50.00 to a creditor, and other monthly bills and utility bills for a residence she shares with her mother. Ms. Wright states that she helps support her mother, who is on a fixed income but Ms. Wright does not specify the extent of that income. Ms. Wright also submitted two letters from her two current employers attesting to her professional performance and conduct.

The Board upon deliberation finds that respondent deliberately arrogated to herself and her co-defendant proceeds of Dr. Lembo's dental practice which was simply wrong, and indeed criminal. In the interest of restoring the aggrieved party, Dr. Lembo, the Board made a difficult decision, but a necessary decision to impose a shorter active suspension than the crime warrants, but still sufficient to adequately discipline respondent for her criminal conduct. In this way, Dr. Lembo, the victim will receive his restitution payment in an effort to make him whole.

According to the criminal sentencing requirements and the plea agreement, if Ms. Wright violates any of the terms or conditions of probation, including repaying the restitution, she could be sentenced to a prison sentence up to five years in duration. Although Ms. Wright avoided prison, she should not

now avoid a significant sanction from this Board for conduct unbecoming of the Board's licensee. The Board believes that imposing some period of active suspension reflects the seriousness of the offense and sends a message that the Board will not tolerate such gross departures from the high standards of conduct expected from the Board's licensees. The Board is also aware that if respondent again comes to the attention of the Board at any time in the future, the Board will not respond with the same leniency.

ACCORDINGLY, IT IS, on this 5th day of August, 2015,
ORDERED that:

1. The license of Karen Wright, LDH to practice dental hygiene in this State shall be suspended for a period of four (4) years, of which three (3) months shall be served as an active suspension and the remaining forty-five (45) months served as a period of stayed suspension. The suspension shall commence 14 days following entry of the Final Order of Discipline in this matter.

2. Respondent's license will not be reinstated to active status until she provides proof of compliance with the criminal sentencing requirements including timely and current monthly restitution payment pursuant to N.J.S.A. 45:1-22.

3. Respondent must appear before the Board no earlier than November 2015 to provide proof of her compliance with this order and satisfaction of court ordered restitution payments in accordance to the criminal sentencing requirements and the plea agreement. If she fails to prove compliance, the Board may impose an additional period of active suspension.

4. Prior to the Board's consideration of any application for reinstatement of her license in this State, respondent shall:

a. Respondent must appear before the Board or a committee of the Board to discuss her readiness to reenter the practice of dental hygiene. At that time, respondent shall be prepared to propose her plans for future practice in New Jersey;

b. Provide the Board with evidence that she is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare;

c. Affirmatively establish her fitness, competence, and capacity to reenter the active practice of dental hygiene in New Jersey;

d. Provide the Board with a full account of her conduct during the intervening period of time from her entry into this order until her appearance pursuant to this order;

e. Present proof of resolution of all criminal sentencing requirements and plea agreement;

f. Affirmatively demonstrate by clear and convincing evidence that she has been rehabilitated. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

i. the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be;

ii. the nature and seriousness of the offense;

iii. the circumstances under which the offense occurred;

iv. the date of the offense;

v. the age of the person when the offense was committed;

vi. whether the offense was an isolated or repeated incident;

vii. any social conditions which may have contributed to the offense; and

viii. any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in corrections work-release programs, or the recommendation of those who have had the person in their supervision.

g. Demonstrate that she has completed the necessary continuing education and all other requirements for reinstatement.

5. Failure to comply with any of the terms of this Final Order may result in automatic suspension of license without notice, upon the Board's receipt of information which the Board in its sole discretion deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this Order, including but not limited to, practicing dental hygiene before her license has been fully reinstated.

5. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that her license was still suspended.

6. The Board reserves the right to impose sanctions, including but not limited to suspension of license, penalties, costs and continuing education for the conduct set forth in this order.

7. The Board reserves the right to impose any conditions on respondent's return to practice that the Board believes are necessary to protect the public health, safety, and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

By:

Shirley Birenz, MS, RDN
Shirley Birenz, M.S., R.D.H.
Board President